

GOVERNMENT OF TELANGANA  
ABSTRACT

Tribal Welfare Department - Revision Petition filed by Sri Chunchu Krishnaiah S/o Late Chunchu Peda Venkaiah R/o Purushothapatnam (V) Bhadrachalam (M), Khammam District aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in C.M.A No: 94/2007 dated:21-6-2008 - Dismissed - Orders - Issued.

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TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 15

Dated: 26-04-2017

Read the following:

- 1 ) Orders of the Additional Agent to Government, Bhadrachalam in C.M.A No:94/2007 dated 21-6-2008
- 2) Revision Petition filed by Sri Chunchu Krishnaiah S/o Late Chunchu Peda Venkaiah R/o Purushothapatnam (V) Bhadrachalam (M), Khammam District dated 17.11.2008
- 3) Govt.Memo.No.10775/LTR.2/2008, dated 12-12-2008.
- 4) From the Addl. Agent to Govt., Bhadrachalam Lr.RP.No.10775/LTR.2/08 (CMA.No.94/2007) dt 27.06.2012

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**ORDER:**

In the reference 1<sup>st</sup> read above, the Additional Agent to Government, Bhadrachalam in C.M.A No:94/2007 dated 21-6-2008 has issued orders in respect of land in Survey No:160/1 to an extent of Acres:2.00 gts and Acres 2.15 guntas in Sy. No.160/2 situated at Bhadrachalam (V&M), Khammam District. dismissing the appeal filed by Sri Chunchu Krishnaiah S/o Late Chunchu Peda Venkaiah R/O Purushothapatnam (V) Bhadrachalam (M), Khammam District and directed the Tahsildar, Bhadrachalam to take over the possession of the suit scheduled land into Government custody under cover of Panchanama evicting the persons who ever is in the possession of the suit land and distribute the same to the eligible tribal.

2. In the reference 2<sup>nd</sup> read above, Sri Chunchu Krishnaiah S/o Late Chunchu Peda Venkaiah R/O Purushothapatnam (V) Bhadrachalam (M), Khammam District has filed the Revision petition before the Govt. aggrieved by the Orders of the Additional Agent to Government, Bhadrachalam in C.M.A No:94/2007 dated 21-6-2008 in respect of land in Survey No:160/1 to an extent of Acres:2.00 gts and Acres 2.15 guntas in Sy. No.160/2 situated at Bhadrachalam (V&M), Khammam District.

3. In the reference 3<sup>rd</sup> read above, a copy of the Revision Petition was sent to the Additional Agent to Government, Bhadrachalam (V&M), Khammam and requested to send Para wise remarks and connected case records in the matter.

4. Accordingly, in the reference 4<sup>th</sup> read above, the Addl. Agent to Govt., Bhadrachalam has furnished para wise remarks and connected case records the same are as follows:

- Originally an LTR case No. 8/06/BCM is initiated by the Tahasildar Bhadrachalam as Petitioner and Chunchu Krishnaiah, Chanduluri Adi Laxmamma and Tummapalli Venkata Krishna Rao as Respondents before the Agency Divisional Officer Bhadrachalam. After due enquiry the ADO Bhadrachalam passed ejectment orders on 31.12.2006 for the suit land ext Ac 4.15gts in Sy Nos 160/1 and 160/2 at Bhadrachalam (V) and (M) against the said order, Sri Chunchu Krishnaiah ,Revision Petitioner herein filed a CMA/10/2007, before the Agent to Govt., Bhadrachalam.
- The Addl. Agent to Government , Bhadrachalam after due enquiry, dismissed the appeal Against the said order this Revision Petition is filed by the Chunchu Krishnaiah. The following are the Remarks on the grounds of the Revision Petition.
- The petitioner himself admitted that one Chanduluri Adhilaxmamma claimed patta in the year 1971. But the patta was granted in the year 1984. When the schedule was sold on 22.3.1969 to the Revision petitioner, the settlement authorities would have built up the case on the name of the revision petitioner only, when he is in possession of the land in the year 1969 itself or the Revision Petitioner might have applied for settlement patta, if really he is in possession of the patta land of another in contravention of the regulation. The alleged sale is not true valid and it is created for this purpose only.
- The Revision petitioner has to explain how he is in possession of the land of Chanduluri Adhilaxmamma and others. The principles of Resjudicta will not apply in this case as the facts are different are different LTR cases i.e., 241/97 and 8/06. The Revision Petitioner not filed any copy of the said proceedings in LTR case No. 241/97 before

(P.T.O.)

this court or lower court. The Revision Petitioner herein admitted in WP No. 5983/06 before the Hon'ble High Court by filing an affidavit stating that he has purchased the schedule land through an agreement of sale dated 23.3.1973 for Rs 3,300/-. The sworn affidavit is a strong proof of evidence that he purchased the land of another non tribal in the year 1973, which is after commencement of the Regulation and void under law. The Revision Petitioner cannot differ from his previous admissions made before the Hon'ble High Court.

- The Addl. Agent to Government, Bhadrachalam and the Agency Divisional Officer, Bhadrachalam in their orders elaborately discussed about the case and passed orders. The Agency Divisional Officer, Bhadrachalam never stated in his order dated 31.12.2006 land to be restored to transferor Chanduluri Adhilaxmamma. In the said order clearly stated directing the Tahsildar, Bhadrachalam to take over the possession under cover of panchanama and assign the same to the eligible poor tribals. The Revision Petitioner further stated that he got favorable orders in LTR case No.241/97, but he never filed the said orders before the lower courts. The burden lies on the Revision Petitioner to prove his case. No LTR appeal case is pending before the higher authorities. The only question before the court is whether any violation taken place or not. The Revision petitioner himself admitted before the Hon'ble High Court in WP No. 5983/2006, that the schedule land was purchased on 23.3.1973 which is clear violation of the Regulation.

- The Revision Petitioner has admitted in writ petition about the purchase of the property after enforcement of Regulation. It is sworn declaration made before the Hon'ble High Court. As such it is binding on the Revision Petitioner, now he cannot go back from his declaration. Even otherwise the Revision petitioner is not the pattadar and he has no valid title over the schedule land. The pattadars are different and Revision Petitioner is in possession of the land after the commencement of the Regulation it is a clear case of the violation.

- Revision Petitioner searched his house and fortunately he got the Xerox copy of the agreement of sale dated 22.3.1969 which is on stamped paper. It is a story created to overcome the previous admission. As per law the Xerox copy is in admissible in evidence and it has no value in the eye of law and hence his plea is rejected. The Revision Petitioner never stated this story before the lower courts and he has invented this first time before the authority only.

- The AAG, Bhadrachalam after due consideration of all the evidences available and passed orders and clearly stated that the Revision Petitioner sold the land for Rs 50,000/- on 14.5.2003 to P.Narsimha Reddy and P.Dharma Reddy. The said documents were also filed by the Tahsildar Bhadrachalam before the Agency Divisional Officer, Bhadrachalam and it is not correct to say nothing was mentioned in his order.

- The burden lies on the Revision Petitioner how he came into possession of the Chaduluri AdhiLaxmamma land who is another non tribal and the Revision Petitioner without explaining his lawful possession wants to divert the authorities attention. It is already stated that the Revision Petitioner himself submitted the sale dated 22.3.1973 before the Hon'ble High court and it is relevant and binding on the Revision Petitioner and he found a Xerox copy of alleged sale dated 22.3.1969 is a concocted story to overcome his previous statements. This plea was never raised by the Revision Petitioner before the lower courts in all these years, cannot be accepted.

- It is already stated that the Revision Petitioner has got the favorable orders in LTR case NO. 241/97, but he never filed the said orders before the lower courts, the burden lies on the Revision Petitioner to prove his case and the Principals of Resjudicata is not applicable to this case and apparently that the clear violation of the Regulation, as the Revision Petitioner failed to produce the order in LTR case No 241/07.

- It is already stated prime facie the Revision Petitioner has to explain how he is in possession of the other non tribals land, without having any valid document and the AAG, B'Chalam and Agency Dvl. Officer after giving sufficient time, and after due enquiry only passed orders.

5. Government after examination of the matter found that, the Revision Petitioner has not filed any Documents in support of his claim and claimed that he has purchased the land in S.No 160/1 to an extant of 2 acres from one Smt. Ch. Adilakshamma W/o Ch. Subba Rao through agreement of sale Dt:22.03.1969 and also claimed before Hon'ble High Court that he has purchased the land in S.No.160/1 on 22.03.1973 for Rs.3,300/-. Thus his statements are self

contradictory and suspicious (W.P.No.5983/2006 Further he has also accepted that Ch. Adilakshamma was gifted the said land by her husband through settlement deed Dt:16.07.1968 and there after she enjoyed permanent occupancy rights and she claimed patta in the year 1971 but the same patta was granted on 08.03.1984.

6. Government also found that, if Adilakshamma really sold the land in 1969 she could not claim / apply for patta in the year 1971. Even if the Xerox copy of document filed by Revision Petitioner taken into consideration it is only agreement of sale but not sale deed. Further as on the date of filing appeal Smt.Ch Adilakshamma is the pattedar. Hence there is no substantial evidence in the claim or any documents filed by the Revision Petitioner does not substantiate his claim.

7. Government after careful examination of the matter and in the light of the circumstances stated above, hereby dismissed the appeal filed by the Revision Petitioner herein and upheld the orders of the Addl.Agent to Govt. & P.O., ITDA, Bhadrachalam in CMA No 94/2007 Dt:21<sup>st</sup>day of June,2008.

8. The Additional Agent to Government and the Project Officer, ITDA, Bhadrachalam, Bhadradi Kothagudem District shall take necessary action in the matter accordingly. The original connected records received in the reference 4<sup>th</sup> read above are returned herewith.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)**

**SOMESH KUMAR  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri Chunchu Krishnaiah S/o Late Chunchu Peda Venkaiah  
R/o Purushothapatnam (V) Bhadrachalam (M), Khammam District  
The Additional Agent to Government and the Project Officer, ITDA, Bhadrachalam,  
Bhadradi Kothagudem District.

Copy to :

The Agency Divisional Officer, Bhadrachalam(Sub-Collector, Bhadrachalam),  
Bhadradi Kothagudem District for information and necessary action.

The Tahsildar , Bhadrachalam, Bhadradi Kothagudem District for information of necessary action.

Sri T.Rama Koteswara Rao, Advocate, 1-8-702/33/D, (Plot.No.51, Street No.5)

Behind Sankarmath, Padma Colony,Nallakunta, Hyderabad - 44.

PS to Minister (TW) .

PS to Prl. Secretary to Govt.(TW)

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER